

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BJ'S FLEET WASH, LLC,

Plaintiff,

vs.

CITY OF OMAHA, MATT KALCEVICH,
BROOK BENCH, KARI VASQUEZ, and
STEVEN SLATER, in their individual
capacities;

Defendants.

8:22CV131

AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the parties' Amended Stipulated Motion to Extend Progression Deadlines ([Filing No. 109](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Amended Stipulated Motion to Extend Progression Deadlines ([Filing No. 109](#)) is granted, and the case progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **November 30, 2023**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **December 15, 2023**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The deadline for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **December 29, 2023**.
- 3) The planning conference set for November 29, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **February 28, 2024, at 10:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **February 29, 2024**.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is **March 29, 2024**.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **April 15, 2024**.

- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 14th day of November, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge